

Appln No. 10/757,637
Amdt date December 27, 2005
Reply to Office action of August 26, 2005

REMARKS/ARGUMENTS

In response to the above identified office action, Applicants respectfully request reconsideration and withdrawal of the rejections to pending claims 1-6, 10-18 and 20-23. No claims have been amended, added or canceled. Accordingly, 1-6, 10-18 and 20-23 remain pending.

I. Claims Rejected Under 35 U.S.C. § 103(a)

Claims 1 and 2 stand rejected under 35 U.S.C. §103(a) as allegedly being obvious and unpatentable over U.S. Patent Gazette Publication No. 2003/0125994 by Jaehn et al. (herein after "Jaehn"), in further view of U.S. Patent Gazette Publication No. 2004/0103092 by Tuzhlin et al. (hereinafter "Tuzhilin").

To establish a *prima facie* case of obviousness, the Examiner must show that the cited references, combined, teach or suggest each element of a claim. In regard to claim 1, this claim includes the elements of "calculating a cruise rating based on the pricing data, the one or more price affecting factors, and the one or more correlation coefficients." The cited references do not teach these elements of claim 1. The Examiner acknowledged on page 3 of the final Office action that "Jaehn et al does not disclose calculating a cruise rating based on the pricing data, the one or more price affecting factors, and the one or more correlation coefficients." The Examiner relies on Tuzhilin to teach these elements of the claim, citing paragraphs [0006] and [0049] in support of this assertion. However, neither of these paragraphs or the Examiner's own characterization of these paragraphs is related to "calculating a cruise rating based on the pricing data, one or more price affecting factors, and the one or more correlation coefficients." Rather, the cited sections and the Examiner's own arguments disclose using ratings provided by the user and other similar users to extrapolate ratings for items that the user has not yet rated. See for example, paragraph [00047], second sentence and paragraph [0006], final sentence. Applicants are unclear how this teaches the claimed elements.

The functions and operations on user data discussed in Tuzhilin such as "estimating a rating $r(u,i)$ which can preferably be performed by locating n users $\{u_j\}$ who are 'similar' to users $\{u'\}$," appear to be related to the extrapolation of ratings from user input data and Applicants are unable to discern any part therein that relates to the calculation of ratings "based on *price data* ...

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price affecting factors ... and correlation coefficients" (emphasis added) that were calculated "for each of the one or more price affecting factors." Thus, the Examiner has failed to establish that the cited references, combined, teach or suggest each of the elements of claim 1. Accordingly, reconsideration and withdrawal of the obviousness rejection of claim 1 are requested.

In regard to claim 2, this claim depends from independent claim 1 and incorporates the limitations thereof. Thus, at least for the reasons mentioned in regard to independent claim 1, this claim is not obvious over Jaehn in view of Tuzhilin. Accordingly, reconsideration and withdrawal of the obviousness rejection of claim 2 are requested.

Claims 3, 16-18, 20 and 21 stand rejected under 35 U.S.C. §103(a) as allegedly being obvious and unpatentable over Jaehn in view of Tuzhilin and in further view of U.S. Patent Gazette Publication No. 2004/0006507 by Laufer (hereinafter "Laufer").

In regard to claim 3, this claim depends from independent claim 1 and incorporates the limitations thereof. Thus, at least for the reasons mentioned above, the elements of claim 3 are not taught or suggested by Jaehn and Tuzhilin. The Examiner has not identified and Applicants have been unable to discern any part of Laufer that cures these defects of Jaehn and Tuzhilin. Namely, the Examiner has not identified and the Applicants have not discerned any part of Laufer that teaches or suggests calculating ratings "based on price data". Accordingly, reconsideration and withdrawal of the obviousness rejection of claim 3 are requested.

In regard to claim 16, this claim includes the elements of "creating, using a processor, a regression formula based on the pricing data, where the regression formula is a function of at least one price affecting factor" and "calculating an expected price of a specific cruise based on the value of at least one price affecting factor of the specific cruise and the regression formula." The Examiner appears to have failed to even allege, that these elements of claim 16 are taught by the cited references. Rather, the Examiner states that paragraph [0011] of Jaehn discloses "displaying pricing data for a number of travel related products wherein the pricing data correspond to prices for travel related products with which each matrix is associated, and for products which meet product criteria established by the first and second parameter values of each row and column in which each cell is located." It is unclear to the Applicants how this is relevant to the elements of the claim. The Examiner has not indicated and the Applicants have been unable to discern any part of the cited references that teach the above elements of the claim. Therefore, the Examiner has failed to establish a *prima facie* case of obviousness for claim 16.

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Accordingly, reconsideration and withdrawal of the obviousness rejection of claim 16 are requested.

In regard to claims 17, 18, 20 and 21 these claims depend from independent claim 16 and incorporate the limitations thereof. Thus, at least for the reasons mentioned above in regard to claim 16, the cited references do not teach or suggest each of the elements of these claims. Accordingly, reconsideration and withdrawal of the obviousness rejection of these claims are requested.

Claims 4-6, 10-14, 22 and 23 stand rejected under 35 U.S.C. §103(a) as allegedly being obvious and unpatentable over Jaehn, in view of Tuzhilin and Laufer and in further view of U.S. Patent Gazette Publication No. 2003/0040946 by Sprenger et al. (hereinafter "Sprenger").

Claims 4-6 depend from independent claim 1 and incorporate the limitations thereof. Thus, at least for the reasons mentioned above in regard to claim 1, Jaehn and Tuzhilin do not teach or suggest each of the elements of these claims. Further, the Examiner has not indicated and the Applicants have been unable to discern any part of Laufer or Sprenger cure the defects of Jaehn and Tuzhilin. Therefore, the cited references do not teach or suggest each of the elements of these claims.

In regard to claim 10, this claim includes determining "a consistency indicator" for daily process and "calculating a price index of each cruise ship based on the daily price." The Examiner argues that "it would have been obvious to one of ordinary skill in the art ... to modify the interface of Jaehn, et al. to include the price threshold feature of Sprenger, et al. to provide the user with a range of options." The Examiner's arguments fail to set forth how each of the elements of claim 10, specifically those mentioned above, are taught by the cited references. The Examiner has failed to allege that any of the references teach "calculating a price index" or "a consistency indicator." Thus, the Examiner has failed to establish a *prima facie* case of obviousness. Accordingly, reconsideration and withdrawal of the obviousness rejection of claim 10 are requested.

Claim 11-14 depend from claim 10 and incorporate the limitations thereof. Thus, at least for the reasons mentioned in regard to claim 10, these claims are not obvious over the cited references. Accordingly, reconsideration and withdrawal are requested.

Claim 22 and 23 depend from claim 16 and incorporate the limitations thereof. Thus, at least for the reasons mentioned above, Jaehn, Tuzhilin and Laufer do not teach or suggest each of the elements of claims 22 and 23. Further, Sprenger has not been relied upon to cure the defects

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of Jaehn, Tuzhilin and Laufer. Accordingly, reconsideration and withdrawal of the obviousness rejection of claims 22 and 23 are requested.

Claim 15 depends from claim 10 and incorporate the limitations thereof. Thus, at least for the reasons mentioned above, Jaehn, Tuzhilin and Laufer do not teach or suggest each of the element of claim 15. Further, U.S. Patent No. 6,134,534 issued to Walker, has not been relied upon to cure these defects of Jaehn, Tuzhilin and Laufer. Accordingly, reconsideration and withdrawal of the obviousness rejection of claim 15 are requested.

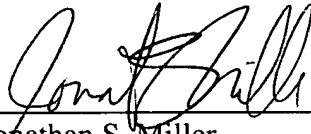
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CONCLUSION

In view of the foregoing, it is believed that all claims now pending, namely claims 1-15 and 17-25 patentably define the subject invention over the prior art of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (626) 795 9900.

Respectfully submitted,

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